

**Question for written answer E-005240/2016**  
**to the Commission**  
Rule 130  
**Pavel Poc (S&D)**

Subject: Wind energy measures adopted in Poland

Poland has adopted measures that have changed the investment environment for wind energy in the country. The most serious are:

- the requirement of a minimum distance between a wind turbine and residential and natural areas of ten times the turbine ‘tip height’;
- the redefinition of wind turbines as ‘structures’ under the Building Act, leading in practice to a substantial increase in the real estate tax to be paid by the operators;
- the new obligation of a specific operation permit for every wind turbine.

The new law will apply retroactively to many projects already in the pipeline. This will cause significant losses to investors. As there is no sign that the Polish authorities intend to compensate investors affected by the new requirements, their imposition amounts to a breach of the principle of legal certainty. In addition, Poland did not notify this law to the Commission pursuant to Directive 2015/1535, and it is thus deemed to be unenforceable.

1. How will the Commission proceed?
2. Is this law, which was not notified to the Commission pursuant to Directive 2015/1535, valid, and can it be applied by the national administrative authorities?